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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,047	07/10/2001	Paul Irma Albertus Van Dijk	CM2394M	7758

27752 7590 12/18/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER	
OH, SIMON J	

ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,047	VAN DIJK, PAUL IRMA ALBERTUS	
	Examiner	Art Unit	
	Simon J. Oh	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,12,14,16,17 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,12,14,16,17 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Papers Received

Receipt is acknowledged of the applicant's request for continued examination, amendment, response, and notice of withdrawal of appeal, all received on 19 November 2003.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of Claims 8-10, 13, 15, 18, and 19 is rendered moot with the cancellation of those claims.

The rejection of Claims 11, 12, 14, 16, and 17 under 35 U.S.C. 103(a) over Van Dijk in view of Sanders is maintained.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dijk in view of Sanders.

The Van Dijk document teaches a coated detergent tablet composition, the coating comprising a dicarboxylic acid (See Abstract). Preferred dicarboxylic acids are those with 2 to 13 carbon atoms, and specifically listed acids include oxalic acid, malonic acid, succinic acid, glutaric acid, adipic acid (i.e. 1, 6-hexanedioic acid), pimelic acid, suberic acid, azelaic acid, sebacic acid, undecanedioic acid, dodecanedioic acid, tridecanedioic acid, and mixtures thereof (See Page 5, Lines 3-7). Dicarboxylic acids used to coat the tablets have a melting point that is

preferably from 40° C to 200° C (See Page 5, Lines 8-10). A method of coating is disclosed where molten dicarboxylic acid is applied to the compressed detergent tablet (See Page 2, Lines 16-28; and Page 5, Lines 11-24). The coated detergent tablets may further comprise additional components, including chelating agents (See Page 17, Line 26), as well as disintegrants, such as ion exchange resins (See Page 6, Lines 1-13). In one example, adipic acid is prepared as a coating composition after being heated to a temperature of 170°C (See Page 19, Lines 16-19).

The Van Dijk document does not teach the addition of water to the molten dicarboxylic acid during the coating process, nor does it teach further process steps directly pertaining to the addition of water in the coating process.

The Sanders patent teaches a coating process comprising the preparation of a hot-melt coating composition comprising a combination of one or more solid aliphatic dioic acids (See Abstract; and Column 5, Lines 8-20). Dioic acids that are preferred in the coating process include those with about 5 to about 10 carbon atoms; specific acids include glutaric acid, adipic acid, pimelic acid, suberic acid, azelaic acid, and sebacic acid. The melting point of adipic acid is disclosed as being approximately 151°C (See Column 6, Lines 12-33). It is disclosed that the use of large of solvents are to be avoided in the coating process, minor amounts of such solvents can be tolerated and may even be beneficial. A small amount of water, up to about 5% by weight of the coating composition, will act as a plasticizer and rheology-modifier without requiring a solvent drying step (See Column 5, Lines 21-34; and Column 7, Lines 40-63).

It would be obvious to one of ordinary skill in the art to combine the teachings of Van Dijk and Sanders into the objects of the instant application. The disclosed coating processes of Van Dijk and Sanders are both directed to the application of molten dicarboxylic acids as a

coating. Both Van Dijk and Sanders also list some of the same specific dicarboxylic acids as preferred coating materials in their respective disclosures. It is the position of the examiner that one of ordinary skill in the art would be motivated to add relatively small amounts of water into the coating process of Van Dijk in order to incorporate the benefits of such a step as taught by Sanders, with a reasonable expectation of success. It is also the position of the examiner that it is within the purview of one of ordinary skill in the art to envision the claim limitations directed to process temperature, feed rates of water, and level of water. The examiner therefore shifts the burden onto the applicant to show the criticality of such limitations. Furthermore, claim limitations concerning process temperatures of the dicarboxylic acid coating are considered by the examiner to be rendered obvious in view of the process temperature of adipic acid of 170°C in the example of Van Dijk, which is clearly more than 5°C above the approximate melting point of 151°C of adipic acid as disclosed in Sanders. Regarding the claim limitation of adding ion exchange resins or chelants, it is the position of the examiner that such a limitation is not critical to the instantly claimed invention. By the applicant's own specification, these ingredients are disclosed as being optional. The examiner therefore shifts the burden onto the applicant to clearly demonstrate the criticality of such a feature.

Thus, the claimed invention as a whole is *prima facie* obvious.

Response to Arguments

Applicant's arguments filed 19 November 2003 have been fully considered but they are not persuasive.

As stated above, the claim limitation of the addition of an ion-exchange resin within the coating composition is contained within the disclosure of the prior art. Likewise, the addition of chelating agents is also disclosed by the prior art. Specifically, the inclusion of chelating agents along with other optional ingredients may be included in what Van Dijk discloses as "tablets of the present invention", which the examiner will interpret broadly as being either the tablet core or the tablet coating, as defined in the Abstract of the reference.

The examiner does not see a patentable criticality with the new claim limitation of the maintenance of a level of water level in the instantly claimed process. As it has been established by the prior art, the addition of small amounts of water to a dicarboxylic acid melt can be beneficial. The examiner shifts the burden onto the applicant to show the criticality of the particular method by which water is added in the instantly claimed process, in comparison to the addition of water as disclosed by the prior art.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon J. Oh whose telephone number is (703) 305-3265. The examiner can normally be reached on M-F 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

Simon J. Oh
Examiner
Art Unit 1615

sjo

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
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